

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION DOCKET
FOR
MONDAY, MARCH 7, 2005
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

NOTE: In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meetings, adopted on March 29, 2004, a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. **Please see the regular meeting Open Session Agenda to determine when such matters may be heard.**

The City Council will meet in Closed Session immediately following the conclusion of the regular open session meeting on Monday, March 7, 2005, and may continue into Tuesday, March 8, 2005.

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

- CS-1 *City of San Diego v. Horton*
San Diego Superior Court No. GIC 777603
Fourth District Court of Appeal No. D043425

DCA assigned: Silva

This case involves an eminent domain action brought to acquire property needed for State Route 56. In closed session, the City Attorney will update the City Council on the appellate court's ruling in this case and seek direction from the City Council.

- CS-2 *Jimenez, et al. v. City of San Diego, et al.*
United States District Court Case No. 03cv0094 DMS (WMc)

ACA assigned: Gordon

This matter involves a wrongful death lawsuit arising out of a police incident that occurred on March 22, 2002. In closed session the City Attorney will brief the Mayor and City Council on a possible settlement.

- CS-3 *County of San Diego County Taxpayers Association v. City of San Diego*
San Diego Superior Court No. GIC 841487

DCA assigned: McGrath

This matter involves a lawsuit against the City seeking to invalidate that agreement known as “Manager’s Proposal II”, between the City and the Retirement Board. In closed session the City Attorney will brief the City Council on the matter and make appropriate recommendations for proceeding.

- CS-4 *SDCERS v. San Diego City Attorney, et al.*
San Diego Superior Court No. GIC 841845

DCA assigned: McGrath

This matter involves a lawsuit against the City and the City Attorney seeking a declaration and injunctive relief as to the rights of the Retirement System and its Board of Administration with respect to the provisions of legal advice and the role of the City Attorney, and the ownership on control of certain documents. In closed session the City Attorney will advise the City Council on the matter and make appropriate recommendations for proceeding.

- CS-5 (a) *United States of America v. City of San Diego*,
U.S. District Court No. 03-CV-1349-K
(b) *San Diego BayKeeper/Surfrider Foundation v. City of San Diego*,
U.S. District Court No. 01-CV-0550-B

DCA assigned: Bromfield

Each of these lawsuits alleges violations of the federal Clean Water Act due to sewer system overflows experienced by the City from December 1996 to the present. For judicial economy, both cases were consolidated and the parties have been exploring potential resolutions. The Mayor and City Council will be briefed on a proposed resolution involving a Partial Consent Decree that would resolve all issues through October 1, 2004, and stay the remaining issues through February of 2006. The legal implications, estimated cost, and recommendations on settlement will be discussed by the City Attorney and City Manager.

Conference with Real Property Negotiator, pursuant to California Government Code section 54956.8:

C-6	Property:	Approximately 1.15 acres of city owned land located at the northwest corner of North Torrey Pines Road and Genesee Avenue adjacent to APN 342-490-06, 09, 10
	Agency Negotiator:	William T. Griffith, Real Estate Assets Director
	Negotiating Parties:	Ted Eldridge and Perry M. Dealy, Manchester Business Park
	Under Negotiation:	Terms and conditions of potential disposition of the property

DCA assigned: Matthews

This matter involves the potential disposition of a City-owned remnant parcel created by the realignment of North Torrey Pines Road as joinder to the adjacent property. In closed session, City staff will be seeking direction on the terms of the potential disposition of the property.

Conference with Legal Counsel - anticipated litigation - significant exposure to litigation, pursuant to California Government Code section 54956.9(b):

CS-7 In the matter of City of San Diego Bond Offerings, Securities & Exchange Commission No. LA-2842, and United States Attorney's Office Investigation into certain City of San Diego Financial Disclosure Matters.

CA assigned: Aguirre

These matters involve investigations by the SEC and the U.S. Attorney's Office into certain financial matters of the City. In closed session, the City Attorney will report on the status of these matters and discuss possible resolutions of the SEC's investigation with respect to the City of San Diego only.

Conference with Labor Negotiator, pursuant to Government Code section 54957.6:

CS-8 Agency negotiators: Lamont Ewell, Cathy Lexin, Mike McGhee

Employee organizations: Municipal Employees Association, Local 127
AFSME, AFL-CIO, Local 145 International Association of
Firefighters AFL-CIO, San Diego Police Officers
Association

Public employment, pursuant to California Government Code section 54957(b)(1):

CS-9 Title: City Manager